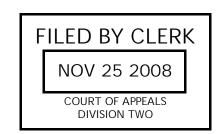
NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.



IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION TWO

THE STATE OF ARIZONA,)	
)	2 CA-CR 2008-0078
	Appellee,)	DEPARTMENT A
)	
V.)	MEMORANDUM DECISION
)	Not for Publication
JESSE JAMES THOMAS,)	Rule 111, Rules of
)	the Supreme Court
	Appellant.)	
)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20071041

Honorable Hector E. Campoy, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender By Stephan J. McCaffery

Tucson Attorneys for Appellant

HOWARD, Presiding Judge.

Eight jurors found appellant Jesse James Thomas guilty of four counts of aggravated driving under the influence of an intoxicating liquor (DUI) for having driven while impaired, with an alcohol concentration of .08 or more, while his driver's license was

suspended or revoked, and after he had been convicted of DUI charges twice before within the preceding eighty-four months. The trial court ordered Thomas placed on probation after serving a mandatory four-month prison term.

- Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has reviewed the entire record and found no meritorious issue to raise on appeal. In compliance with *Clark*, counsel has provided "a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record." 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Thomas has not filed a supplemental brief.
- Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel's recitation of the facts. Viewed in the light most favorable to upholding the jury's verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that, in February 2007, a deputy sheriff approached Thomas while the car he was driving was stopped at a sobriety checkpoint in Pima County. The deputy arrested Thomas after smelling alcohol on his breath and seeing him exhibit signs of intoxication. Thomas consented to have his blood drawn for testing, which measured the alcohol concentration in his blood as .158. The custodian of records for the Motor Vehicle Division of the Arizona Department of Transportation testified that Thomas's driver's license was suspended and revoked at the

time of his arrest and that he had been lawfully notified of its suspension and revocation.

Thomas stipulated that he had two prior convictions for DUI offenses committed within the previous eighty-four months.

Substantial evidence supported the jury's findings of all the elements necessary for Thomas's convictions, *see* A.R.S. §§ 28-1381(A)(1), (2); 28-1383(A)(1), and the trial court's disposition was authorized under A.R.S. §§ 13-902(B)(2) and 28-1383(D)(1). We find neither fundamental nor reversible error and therefore affirm the convictions and sentences.

	JOSEPH W. HOWARD, Presiding Judge
CONCURRING:	
JOHN PELANDER, Chief Judge	
J. WILLIAM BRAMMER, JR., Judge	